

CITY COUNCIL OF THE CITY OF SEAT PLEASANT, MARYLAND

Ordinance No.: O-16-02
Introduced by: City Council
Date Introduced: December 7, 2015
First Reading: December 7, 2015
Second Reading: December 14, 2015
Date Adopted: December 14, 2015
Date Effective: January 5, 2016

AN ORDINANCE concerning

CHAPTER 148 – Vacant Property Registration

FOR the purpose of adopting a new Chapter 148 for the Code of the City of Seat Pleasant, entitled “Vacant Property Registration,” providing for the registration of vacant buildings and lots in the City of Seat Pleasant and penalties for the failure to properly register such properties and pay the fees associated therewith; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to the registration of vacant properties in the City.

BY adding Chapter 148 – Vacant Property Registration
Sections 148-1 through 148-5
Code of the City of Seat Pleasant (1994 Edition, as amended)

WHEREAS, pursuant to § 12-203(b) of the Public Safety Article of the Maryland Annotated Code, each political subdivision shall adopt a local housing code that sets minimum property maintenance standards for housing in the subdivision; and

WHEREAS, pursuant to § 5-202 of the Local Government Article of the Maryland Annotated Code and § C-501(a) of the Charter of the City of Seat Pleasant, the City Council of the City of Seat Pleasant (the “City Council”) is authorized and empowered to adopt ordinances to assure the good government of the City of Seat Pleasant (the “City”), protect and preserve the City’s rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the City; and

WHEREAS, an increasing number of properties in the City have become vacant for various reasons, including but not limited to foreclosure, in which case such properties are in the control of financial institutions or other non-individual entities; and

WHEREAS, the City has found it difficult to identify and notify owners of such vacant properties when violations of the City's property maintenance code occur and, as such, it is difficult for the City to obtain timely abatement of such violations; and

WHEREAS, the City's difficulty in obtaining timely abatement of such violations is detrimental to the public health, welfare, and safety of the citizens of the City; and

WHEREAS, the City Council desires to adopt a new Chapter 148 for the Code of the City of Seat Pleasant, entitled "Vacant Property Registration," providing for the registration of vacant buildings and lots in the City of Seat Pleasant and penalties for the failure to properly register such properties and pay the fees associated therewith; and

WHEREAS, the City Council deems it in the interest of the public health, welfare and safety of the citizens of the City, and for the good government of the City, to enact this Ordinance and to take the actions as described herein.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that Chapter 148 (Vacant Property Registration), §§ 148-1 through 148-5, be and it is hereby added to the Code of the City of Seat Pleasant (1994 Edition, as amended), to read as follows

§ 148-1. Title.

This Chapter shall be known as the Vacant Building and Vacant Lot Code for the City of Seat Pleasant.

§ 148-2. Purpose and Policy.

The health, welfare, and safety of the citizens of the City need to be protected from the ill effects of poor property maintenance and all ramifications arising therefrom. Further, the value of all property within the corporate limits of the City needs to be protected from said ill effects and ramifications. Thus, the City Council hereby establishes requirements for the registration of vacant properties, including buildings and lots.

§ 148-3. Vacant buildings.

- A. As used in this Chapter, the term "vacant building" shall mean and refer to a building that is:
- (1) empty;
 - (2) not occupied on a regular and habitual basis by the owner, tenant, agent of the owner, or other person having permission of the owner on a regular and habitual basis for the usual and customary purposes for which the building is designed and lawfully permitted; or
 - (3) partially occupied as defined herein.

B. Obligation to Register Vacant Buildings.

- (1) Commercial and Industrial Buildings. Except as provided in Subsection (3) below with respect to rental properties that are less than twenty-five percent (25%) occupied and in Subsections (4) and (5) below with respect to single family dwellings, whenever any commercial or industrial building in the City is vacant for more than sixty (60) days, or whenever any building in the City is vacant and such building or premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such building shall, within ten (10) business days of notification by the City, register such a building as a vacant building and submit a vacant building plan.
- (2) Mixed Use Residential and Commercial Properties. Whenever the commercial portion of any mixed use residential and commercial building in the City is vacant for more than sixty (60) days, or whenever any such portion of such building in the City is vacant and such portion of such building or the premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such building shall, within ten (10) business days of notification by the City, register such portion of the building as a vacant building and submit a vacant building plan. Whenever the residential portion of any mixed use residential and commercial building in the City is less than twenty-five percent (25%) occupied for more than sixty (60) days, or whenever any such portion of the building in the City is less than twenty-five percent (25%) occupied and such portion of the building or the premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such portion of the building shall, within ten (10) business days of notification by the City, register such portion of the building as a vacant building and submit a vacant building plan.
- (3) Residential Rental Properties Less Than Twenty-Five Percent (25%) Occupied. Whenever any building designed as a rental property with four (4) or more dwelling units is less than twenty-five percent (25%) occupied and such building or premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
- (4) Single Family Dwellings, Previously Not Owner Occupied. Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was not the owner and such building or premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.

- (5) Single Family Dwellings, Previously Owner Occupied, New Owner Will Not Occupy. Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was the owner and ownership has changed hands and the new owner will not occupy the premises and such building or premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
- (6) Single Family Dwellings, Previously Owner Occupied, New Owner Will Occupy. Whenever any building designed as a single-family dwelling is vacant and the immediately preceding occupant was the owner and ownership has changed hands and the new owner will occupy the premises and such building or premises thereof contains one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the owner of such building shall, within ten (10) business days of notification by the City, register such building as a vacant building and submit a vacant building plan.
- C. The obligation to register a vacant building exists if the conditions in Subsections (B)(1) through (6) herein exist, without regard to whether the building is for sale.
- D. Notice of registration requirement. Upon a determination by the City Administrator that a building in the City is required to be registered as set forth herein, the City Administrator shall provide notice to the owner or agent of the requirement to register the building and submit a vacant building plan to the City Administrator. In the event of the existence of one (1) or more violations of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, in connection with the building or premises thereto, then the City Administrator shall specify in the notice the existence of such violation(s). The failure of the City Administrator to provide this notice, or the failure of an owner to receive notice from the City Administrator, shall not relieve the owner of the obligation to register such building as a vacant building and submit a vacant building plan.
- E. Registration of Vacant Buildings; Filing Fee. The owner or agent registering a vacant building shall supply the following information:
- (1) Name, address, and telephone number of owner.
 - (2) Name, address, and telephone number of any local agent or representative.
 - (3) Name, address, and telephone number of all persons with any ownership interest in the building and premises.
 - (4) Name address, and telephone number of any and all mortgagors.
 - (5) Legal description and tax account number of the premises on which the building is situated.

- (6) The common street address of the building.
 - (7) Date on which building became vacant.
 - (8) Vacant building plan.
- F. The vacant building registration shall be filed with the City Administrator. All such registrations shall be accompanied by a filing fee as established and amended from time to time by resolution of the City Council.
- G. Registration of a vacant building shall be valid for a period of six (6) months. If the building is still vacant at the expiration of any six (6)-month registration period and the requirements of the vacant building plan are not completed, then the owner shall re-register such building and pay another filing fee.
- H. If the building is still vacant at the expiration of any six (6)-month registration period but the requirements of the vacant building plan are completed, the owner shall re-register such building, without the requirement of a new vacant building plan but with a payment of twenty-five percent (25%) of the usual filing fee if the building was required to be registered under Subsections (B)(1) through (5) herein.
- I. No fee shall be required if the building was required to be registered under Subsection (B)(6) herein, except that if the building remains vacant for one (1) year after the initial registration, the building will be treated according to Subsection (A)(5) and a fee will be required accordingly.
- J. Other Enforcement. The registration of a vacant building shall not preclude action by the City to force repair of the building or to initiate condemnation and demolition of the building pursuant to other provisions of this chapter or other applicable law.
- K. Vacant Building Plan. When a building is registered as required herein, the owner or agent of the owner shall submit a vacant building plan. The plan shall contain the following:
- (1) A plan of access to the interior by the Code Enforcement Officer, or his/her designee, of sufficient frequency to determine that, from evidence on the interior, the exterior structure is in good repair, structurally sound and sanitary, and weatherproof.
 - (2) A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction of similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type.

- (3) For buildings and property which are identified as being in violation of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, then the vacant building plan shall contain a plan of action to remedy such violation(s).
 - (4) For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and identified violation.
 - (5) Whenever the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition and obtain the necessary permit(s) as required pursuant to other provisions of this chapter or other applicable law.
 - (6) A plan of action to maintain the building and premises in conformance with Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time.
- L. Placarding. The owner or agent of the registered building shall place a City-provided identification placard on the building's exterior as directed by the City so as to be clearly visible from the nearest public right-of-way. Such identification placard shall be kept in readable condition by the owner or agent, and shall provide the following information: owner's name, address, phone number, and expiration date of registration. The City may require removal of all other signage and graffiti at the owner's expense.
- M. Approval of Plan. If the proposed vacant building plan complies with the standards herein and in any regulations to be promulgated by the City Administrator, the Code Enforcement Officer shall approve it. If the Code Enforcement Officer approves the plan, notice shall be sent to the owner or agent of the vacant building.
- N. Authority to Modify and Appeal Right. The Code Enforcement Officer shall, upon notice to the vacant building owner or agent, have the right to modify the vacant building plan by altering the dates of performance or the proposed methods of action. If the owner or agent of the vacant building objects to the modifications made by the Code Enforcement Officer, such owner or agent shall have the right of appeal to the City Administrator for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the City Administrator within fifteen (15) calendar days of the date of the Code Enforcement Officer's notice of modification. If no appeal is filed, then the plan as modified by the Code Enforcement Officer shall constitute the approved vacant building plan.
- O. City Administrator's Review on Appeal.
- (1) The City Administrator shall specify a time and place for an appeal conference on a vacant building plan and shall advise the owner, in writing, of the time and place of the appeal conference. At the appeal conference, the owner shall be permitted to present

reasons to support the appeal and relevant evidence why the Code Enforcement Officer's modifications of the vacant building plan should be rejected.

- (2) In considering the appropriateness of a vacant building plan on appeal, the City Administrator shall consider the following:
 - (a) The public interest in minimizing the period of time a building is vacant, boarded up, and/or has any defects which constitute public nuisances;
 - (b) The effect of the proposed plan on adjoining property and/or the neighborhood in which the building is located;
 - (c) Whether there is practical difficulty or unnecessary hardship (financial or otherwise) to the owner connected with the performance on any act required by the plan;
 - (d) The length of time the building has been vacant; and
 - (e) The presence of any violation of Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time, on the property.
- (3) After the appeal conference, the City Administrator shall render his/her decision on the owner's or agent's appeal of the Code Enforcement Officer's modifications to the proposed vacant building plan. The City Administrator shall have the right to fashion his/her own vacant building plan or to approve or modify the plan submitted by the owner or agent or to approve or further modify the plan as modified by the Code Enforcement Officer. The decision of the City Administrator shall be final and constitute the approved vacant building plan.

P. Failure to Submit or to Comply With Plan.

- (1) If an owner of a vacant building fails to submit a vacant building plan, the Code Enforcement Officer shall develop a plan and give notice of the plan to the vacant building owner or agent. If the owner or agent objects to the plan made by the Code Enforcement Officer, such owner or agent shall have the right of appeal to the City Administrator for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the Code Enforcement Officer within fifteen (15) calendar days of the date of the Code Enforcement Officer's notice of modification. If no appeal is filed, then the plan as modified by the Code Enforcement Officer shall constitute the approved vacant building plan.
- (2) Failure to comply with an approved vacant building plan shall constitute a violation of this chapter.

Q. Change of Ownership. The vacant building plan shall remain in effect even if ownership changes. Within thirty (30) calendar days of the date of any change of ownership, the new owner or agent shall file a new vacant building registration with the City and supply the

name, address, and telephone number of the new owner(s). The new registration shall be in the same form as the original registration and shall be accompanied by a filing fee of twenty-five percent (25%) of the usual filing fee.

- R. Maintenance Standards. The owner of a vacant building shall comply with Chapter 67 (Buildings, Unfit; Property Maintenance) of the City Code, as amended from time to time.

§ 148-4. Vacant Lot Registration.

A. Registration Required.

- (1) Owner to register annually. By July 1 of each year, each owner of a vacant lot shall file a vacant lot registration statement with the City on a form provided by the City Administrator or his/her designee. The registration statement shall be accompanied by an annual registration fee, as established and amended from time to time by resolution of the City Council.
- (2) Purchaser required to register upon acquisition. A new owner of a vacant lot must file a registration statement within thirty (30) days of the acquisition and pay the annual registration fee, unless that fee was already paid by the prior owner.
- (3) Information Required With Registration. The registration statement shall contain the following information:
 - (a) A description of the vacant lot by street address, property tax account identification number, and any other information required in order to accurately identify the vacant lot;
 - (b) The name, address (which shall not be a post office box), and telephone number of the property owner of record, and in addition, if the owner is a corporation, limited liability company, limited liability partnership, limited partnership, or other such entity, the name, address, and telephone number of the resident agent and, if the owner is an entity not having a resident agent, the name, address, and telephone number of all partners, owners, or officers of the owner or of the owner's authorized agent; and
 - (c) The name, address (which shall not be a post office box), and telephone number of the owner's authorized agent if an agent has been designated by the owner.
- (4) The City Administrator shall be notified within fourteen (14) days of any change in the agent designated by the owner or any change in the address of the owner or agent.
- (5) Exception to Vacant Lot Registration Requirement. No registration of a vacant lot is required if:

- (a) The vacant lot is zoned as residential and the owner occupies a residence on a lot contiguous to the vacant lot;
- (b) The vacant lot is contiguous to a lot with an occupied building and both lots are under common ownership; or
- (c) The vacant lot is being utilized as a parking lot in compliance with applicable law.

§ 148-5. Violation; penalties.

- A. Municipal infraction. The failure to register a property or lot as required hereunder, to pay the required registration fee, or to provide all information required with registration, shall be a municipal infraction, subject to a fine of two hundred dollars (\$200.00) and punishable as set forth in Chapter 110 (Municipal Infractions) of the City Code, as amended from time to time. Each additional sixty (60) days a violation continues shall be deemed to be a separate violation and subject to an additional two hundred dollar (\$200.00) fine.
- B. Lien on real property. All registration fees, when overdue, shall be a lien in favor of the City on the subject property and may be collected and enforced in the same manner as delinquent real property taxes, to the extent permitted by law.

SECTION 2. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the Recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

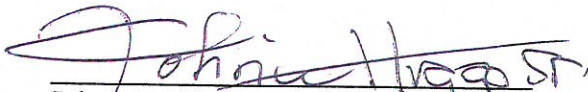
SECTION 3. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that all other ordinances or parts of ordinances or provisions of the Code of the City of Seat Pleasant (1994 Edition, as amended) in conflict with the provisions of this Ordinance or the property maintenance code adopted by this Ordinance are hereby repealed to the extent of such inconsistency.


SECTION 4. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.


SECTION 5. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the City Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion hereof.

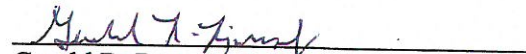
SECTION 6. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT that the City Clerk shall certify to the adoption of this ordinance, and cause the same or, to the extent permitted by the Charter, a fair summary of the same, to be published as required by law, and that this Ordinance shall become effective at the expiration of twenty (20) days following approval by the Mayor or passage by the City Council over the Mayor's veto.

THE CITY COUNCIL OF THE CITY OF SEAT PLEASANT



Johnie L. Higgs, Sr., Councilmember


Eugene F. Kennedy, Councilmember


Kelly Porter, Councilmember

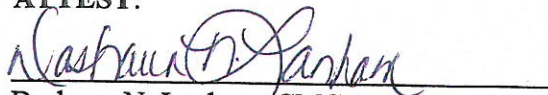

Gerald R. Raynor, Sr., Councilmember


Elenora Simms, Councilmember


Aretha A. Stephenson, Councilmember


Reveral L. Yeargin, Councilmember

ATTEST:

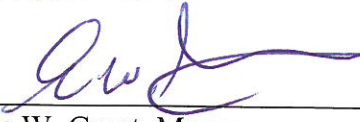

Dashaun N. Lanham, CMC
City Clerk

APPROVED:

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section C-313 of the Charter for Seat Pleasant this 14th day of December, 2015.


Dashaun N. Lanham, CMC
City Clerk

In accordance with Section C-313 of the Charter for Seat Pleasant, I hereby (APPROVE) (DISAPPROVE) of this Ordinance this December 16, 2015.



Eugene W. Grant, Mayor

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.